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Docket No.: PB340P2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Choi et al.

Application No.: 08/961,083

Group Art Unit: 1645

Filed: October 30, 1997

Examiner: Jana A. Hines

For: Streptococcus pneumoniae SP036
Polynucleotides, Polypeptides, Antigens and
Vaccines (As Amended)

PROVISIONAL ELECTION WITH TRAVERSE UNDER 37 C.F.R. § 1.143

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 6, 2003 (Paper No. 30), please consider the following remarks and provisional election, *with traverse*.

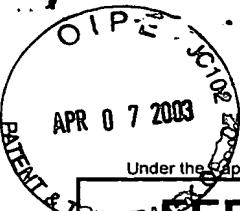
Remarks

Claims 17, 18, and 198-268 are allowed.

Despite the fact that substantive examination in this case was made final with the mailing of a notice of allowance on February 1, 2000, the Examiner has issued a restriction requirement more than three years later, separating the allowed claims into four different groups. Group I is defined as claims 17 and 265-268, drawn to methods of attenuating an infection. Group II is defined as claim 18, drawn to a method of detection. Group III is defined as claims 198-233 and 236, drawn to isolated polynucleotides and vectors. Group IV is defined as claims 234-235 and 237-264, drawn to isolated polypeptides and methods of using them. *See*, Paper No. 30, page 2.

Applicants respectfully traverse the present restriction requirement.

The time for a restriction requirement is specified in 37 C.F.R. § 1.142(a), which states: "Such requirement will normally be made before any action on the merits; however, it may be made at any time before final action." Emphasis added. Applicants submit that the



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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	08/961,083
Filing Date	October 30, 1997
First Named Inventor	Gil H. Choi
Examiner Name	J. Hines
Group Art Unit	1645
Attorney Docket No.	PB340P2

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number **08-3425**

Deposit Account Name **Human Genome Sciences, Inc.**

The Commissioner is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	410	2252	205	Extension for reply within second month
1253	930	2253	465	Extension for reply within third month
1254	1,450	2254	725	Extension for reply within fourth month
1255	1,970	2255	985	Extension for reply within fifth month
1401	320	2401	160	Notice of Appeal
1402	320	2402	160	Filing a brief in support of an appeal
1403	280	2403	140	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,300	2453	650	Petition to revive - unintentional
1501	1,300	2501	650	Utility issue fee (or reissue)
1502	470	2502	235	Design issue fee
1503	630	2503	315	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
Other fee (specify)				

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Lin J. Hymel	Registration No. (Attorney/Agent)	45,414	Telephone
Signature	<i>Lin J. Hymel</i>			Date April 7, 2003

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